

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

Amendment of Section 101.145)
of the Commission's Rules Regarding)
Interference to Geostationary Satellites)
From 6 GHz Band Fixed Point-to-Point)
Terrestrial Microwave Radio Service)
Stations.)

RM No. 9830

To: The Commission

REPLY COMMENTS

In the captioned Petition for Rulemaking ("Petition"), Edwards and Kelcey, Inc. ("E&K")¹ proposed relaxing the requirements, in Section 101.145 of the Commission's Rules,² that fixed point-to-point terrestrial microwave radio service ("FS") stations operating in the 5.925-6.875 GHz band (the "6 GHz Band") must follow to protect co-channel Fixed-Service Satellite ("FSS") licensees from harmful interference. If a proposed 6 GHz Band FS directional transmitting antenna will be pointed within two (2) degrees of the geostationary satellite arc, the FS applicant, which meets the requisite equivalent isotropically radiated power ("EIRP") limits, would not have to obtain the currently required waiver before a license could be granted. A proposed FS

¹The Petition appeared on the Commission's March 8, 2000, Public Notice, Rep. No. 2393.

²47 C.F.R. § 101.145 (2000).

directional transmitting antenna that exceeds the existing limits, however, still would require a waiver.³

Pursuant to Section 1.405 of the Commission's Rules,⁴ the National Spectrum Managers Association ("NSMA"),⁵ by its attorney, hereby replies to comments filed on the Petition. Parties filing comments support the Petition because it would expedite application processing and preserve Commission resources while maintaining needed protection of co-channel FSS users. Based on this record, the Commission promptly must institute a formal rulemaking to revise Section 101.145 as proposed.

An FS station meeting the specified EIRP limits would not cause harmful interference to co-channel FSS users.⁶ Given the widespread deployment of low-power digital radios, it is "virtually impossible to exceed" these specified EIRP limits.⁷

³E&K also proposes corresponding revisions to FCC Form 601, Item 20, Schedule 1. Petition at 3.

⁴47 C.F.R. § 1.405 (2000).

⁵The NSMA, established in 1984, is a voluntary association of individuals involved in the frequency coordination for FS, PCS and satellite earth stations. It supplements the Commission's coordination rules with procedural and technical recommendations developed in an open industry forum of coordinators, licensees and manufacturers. The NSMA's objective is to make the frequency coordination process more efficient and effective.

⁶Association of American Railroads ("AAR") at 2; Comsearch at 2. Recommendation ITU-R SF.406-8, which specifies the maximum EIRP values for terrestrial microwave transmitters to avoid interference to space station receivers, places no restrictions on the terrestrial antenna azimuth for FS stations operating in the 6 GHz Band below +35 dBW EIRP. *Id.* at 2-3.

⁷Pinnacle Telecom Group, LLC ("Pinnacle") at ¶ 4. *See also* Alcatel at 6; Comsearch at 2-3; AAR at 2; Fixed Wireless Communications Coalition ("FWCC") at 2; United Telecom Council ("UTC") at 2-3.

The benefits to be gained by adopting E&K's proposals are significant. Spectrum availability in the 6 GHz Band for FS users to support public safety needs, utility operations, and emerging wireless broadband technologies would be increased. Unnecessary delays in processing 6 GHz Band FS applications, which the waiver requirement and corresponding prohibition on conditional licensing create, would be eliminated. Application review would be facilitated, "conserv[ing] paperwork and processing resources of the Commission's staff and FS applicants...."⁸

Comments on E&K's Petition also were filed by two (2) satellite operators, COMSAT Corporation ("COMSAT") and Home Box Office ("HBO"). In its comments, COMSAT stated that it "does not oppose the Petition."⁹ COMSAT noted limited problems with interference in the 6 GHz Band from analog FS stations.¹⁰ More importantly, COMSAT acknowledged that link degradation from digital FS signals operating at an EIRP of 47 dBW "is not a problem."¹¹

By contrast, HBO opposes grant of the Petition, claiming that the lack of homogeneity in FSS operating parameters necessitates the interference protection provided in the current rule.¹² While FS industry members, including its frequency

⁸AAR at 2. See also Alcatel at 7; Comsearch at 2; UTC at 2; Pinnacle at ¶ 7; FWCC at 3.

⁹COMSAT at 2.

¹⁰Id.

¹¹Id. at 3.

¹²HBO at 4.

coordinators, fully appreciate HBO's concerns, they take the obligation to protect co-channel FSS users from harmful interference seriously. No empirical data have been provided by HBO or any other party in this proceeding to show any threat of FS interference if Section 101.145 is revised as proposed in the Petition.

The NSMA is interested in taking appropriate steps to ensure that the bases for the concerns expressed by COMSAT and HBO are minimized or eliminated. Should these potential problems occur, the NSMA'S Satellite Working Group will address the interference issue on a case-by-case basis, especially with respect to analog operations. If appropriate, the Satellite Working Group, based upon such analysis, would develop a recommendation to ensure that FS operators pay special attention regarding the interference potential to co-channel FSS users when conducting their frequency analyses.

CONCLUSION

The NSMA supports E&K's proposals. And so do most of the other parties. A near unanimous consensus exists that E&K's proposal would make it much easier for FS users to access the 6 GHz Band, would continue providing FSS users comprehensive protection against co-channel interference, and would reduce

administrative and processing costs significantly. Thus, the Petition must be granted and a formal rulemaking, including the proposals therein, must be established.

Respectfully submitted,

NATIONAL SPECTRUM MANAGERS
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